



THE SECRETARY FOR HUMAN RESOURCES  
COMMONWEALTH OF KENTUCKY  
FRANKFORT 40621  
March 27, 1986

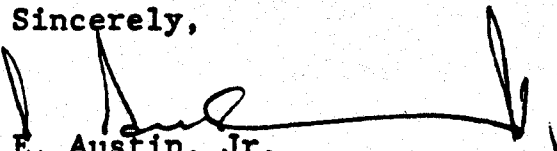
Edward C. Monahan  
Assistant Public Advocate  
Office for Public Advocacy  
State Office Building Annex  
Frankfort, Kentucky 40601

Dear Mr. Monahan:

You have requested the Cabinet for Human Resources to assist in the preparation of a defense based on insanity or diminished responsibility on behalf of Kevin Fitzgerald, a defendant in a capital case. The Cabinet for Human Resources maintains a forensic psychiatric facility through which we provide competency evaluations of criminal defendants on request of Judges throughout the Commonwealth, and in which convicted prisoners are treated for mental illness. It has been a long time policy of the Cabinet to decline requests to serve as experts in the preparation of criminal cases either for the prosecution or the defense. We must adhere to that position for several reasons. We regard the protection of our objective stance as necessary to maintain our credibility and integrity when serving as a resource to the courts in competency determinations and prevent circumstances in which our professional staff may be pitted against each other as adversaries.

I am sorry that I must decline your request for our assistance and wish you well in your search for professional assistance.

Sincerely,



E. Austin, Jr.  
Secretary

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